

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>MARLIN OIL CORPORATION et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-18-1212-G</b>
	)	
<b>MARATHON OIL COMPANY,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

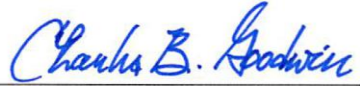
Plaintiffs, in their Complaint filed on December 13, 2018, assert that this Court has subject matter jurisdiction over the action because there is a diversity of citizenship under 28 U.S.C. § 1332. *See* Compl. (Doc. No. 1) at 1-2. At the status and scheduling conference held on May 1, 2019, counsel raised the question of whether the Disclosure filed on April 22, 2019, reflects a lack of complete diversity in light of the citizenship of a member of Plaintiff Toro Investments, LLC.

The court has a duty to inquire into its own jurisdiction. *See Tuck v. United Servs. Auto. Ass’n*, 859 F.2d 842, 844 (10th Cir. 1988). The lack of jurisdiction cannot be waived, nor can it be “conferred upon a federal court by consent, inaction or stipulation.” *Id.* (internal quotation marks omitted).

As the parties seeking to invoke the jurisdiction of this Court, Plaintiffs bear the burden of alleging facts that support jurisdiction. *Dutcher v. Matheson*, 733 F.3d 980, 985 (10th Cir. 2013). It is therefore ORDERED that Plaintiffs shall submit a brief on the issue

of subject matter jurisdiction within 14 days of this Order and Defendant shall file a response within 14 days thereafter.

IT IS SO ORDERED this 3rd day of May, 2019.

  
\_\_\_\_\_  
CHARLES B. GOODWIN  
United States District Judge